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OFFICE OF PETITIONS

In re Application of :
Helmut Kayan et al :
Application No. 10/751,579 : DECISION GRANTING PETITION
Filed: January 5, 2004 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2517DIV2CON :
(203-2449DIV2)

This is a decision on the petition, filed September 27, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 31, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

It does not appear that the present petition is signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Dana M. Brussel appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that this attorney is authorized to represent the particular party in whose behalf he acts. If Mr. Brussel desires to represent applicant herein, the appropriate power of attorney documents must be submitted.

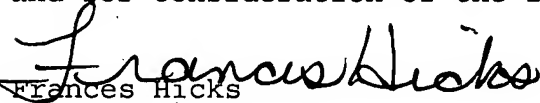
It is further noted that the petition asks that correspondence in this matter be sent to the address noted on the petition. However, as there is no indication that Mr. Brussel was ever given a power of attorney herein and absent a formal request to change the correspondence address of record, correspondence will continue to be

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.

mailed to the address indicated in the request to change the address of record filed on August 1, 2007, which is the above address on this decision. A courtesy copy of this communication is being mailed to the addresses noted on the petition.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3734 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road - Suite 225
Melville, NY 11747

Chief Patent Counsel
Tyco Healthcare Group
195 McDermott Road
North Haven, CT 06473